

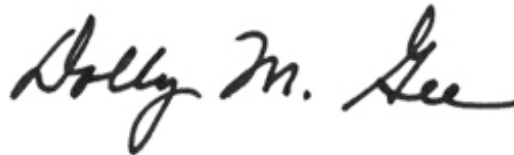
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

On June 5, 2012, Joshua Spencer Hill (hereinafter referred to as "Petitioner") filed a "Petition for Writ of Habeas Corpus by a Person in State Custody" in the United States District Court for the Central District of California. On December 14, 2011, in Riverside County Superior Court, Petitioner pled guilty to violating California Penal Code § 273.5 and § 2933.5 and was sentenced to two years in state prison. (See Petition at 2.)

1 A federal court will not review a state prisoner's petition for  
 2 writ of habeas corpus unless it appears that the prisoner has  
 3 exhausted available state remedies on each and every claim presented.  
 4 28 U.S.C. §2254(b) and (c); see O'Sullivan v. Boerckel, 526 U.S. 838,  
 5 842 (1999); Rose v. Lundy, 455 U.S. 509, 522 (1982). "For reasons of  
 6 federalism, 28 U.S.C. §2254 requires federal courts to give the states  
 7 an initial opportunity to correct alleged violations of its prisoners'  
 8 federal rights." Kellotat v. Cupp, 719 F.2d 1027, 1029 (9<sup>th</sup> Cir.  
 9 1983).

10 Exhaustion requires that the prisoner's contentions be fairly  
 11 presented to the highest court of the state. Libberton v. Ryan, 583  
 12 F.3d 1147, 1164 (9<sup>th</sup> Cir. 2009), cert. denied, 130 S.Ct. 3412 (2010).  
 13 A claim has not been fairly presented unless the prisoner has  
 14 described in the state court proceedings both the operative facts and  
 15 the federal legal theory on which his claim is based. See Anderson v.  
 16 Harless, 459 U.S. 4, 6 (1982); Pappageorge v. Sumner, 688 F.2d 1294  
 17 (9<sup>th</sup> Cir. 1982), cert. denied, 459 U.S. 1219 (1983).

18 **ACCORDINGLY, IT IS ORDERED** that the Petition be dismissed without  
 19 prejudice.



20  
 21 DATED: June 19, 2012

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DOLLY M. GEE  
 UNITED STATES DISTRICT JUDGE

22  
 23 Presented on  
 24 June 8, 2012 by:

25  
 26 /s/  
 27 VICTOR B. KENTON  
 28 UNITED STATES MAGISTRATE JUDGE